

Remarks/Arguments

Claims 1-3, 5, 7, 9-11, 13-16, 19-21 and 23-35 are pending in the application.

The Office has rejected claims 1-3, 5, 7, 9-11, 20, 23, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,802,367 to Held et al. (hereinafter "Held") in view of U.S. Patent 5,748,896 to Daly et al. (hereinafter "Daly"). In addition, the Office has rejected claims 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Held in view of Daly, and further in view of U.S. Patent 5,613,148 to Bezviner et al. (hereinafter "Bezviner"). Finally, the Office has rejected claims 13-16, 19, 21 and 28-35 under 35 U.S.C. § 103(a) as being unpatentable over Bezviner in view of Held.

In light of the arguments below, Applicant asks the Office to reconsider these rejections and to allow all of the claims.

The 103(a) Rejections over Held in view of Daly

As noted by the Office, Held does not teach or suggest a start routine causing one or more services to be invoked in each of a plurality of nodes, or the services starting selected software components in each of the plurality of nodes, as required by Applicant's claim 1. Accordingly, the Office relies on Daly to remedy these deficiencies. However, contrary to the Office's assertion, Daly also does not teach or suggest the noted shortcomings of Held.

Generally, Daly teaches a "remote network administration apparatus for managing network services on a plurality of network servers" (*see* Daly, col. 3, lines 57-58), and a "method for managing network services on the plurality of network servers" (*see* Daly, col. 4, lines 11-13). As part of this method and apparatus, Daly discloses a "server manager window" displaying multiple "network service entities" residing on multiple "servers" (*see* Daly, Fig. 5A; col. 7, lines 8-12). However, while Daly discloses the *existence* of multiple network service entities residing on multiple servers, Daly fails to

teach or suggest a start routine *causing* one or more services to be invoked in *each* of the plural nodes of a processing system as required by Applicant. Instead, Daly discloses a “server manager component” that is “essentially a messaging center for receiving network service instantiation data,” displaying that data to a “human network administrator,” and “passing administration commands and data related to *one* of the displayed network service instantiations from the human network administrator to other discrete components when the [human] network administrator wishes to administer *one* of the displayed network service instantiations” (*see* Daly, col. 9, lines 20-28) (emphasis added). Thus, Daly discloses a method and apparatus for allowing a human network administrator to administer *one* network service instantiation at a time. In so far as Applicant’s claim 1 describes a method comprising a start routine which, once launched, causes one or more services to be invoked in each of a plurality nodes, Daly fails to provide a limitation of Applicant’s claim 1 noted to be absent from Held. The result is that claim 1 and its dependents all are patentable over Held in view of Daly.

As concerns claim 20, the Office also relies on Daly to address a deficiency of Held. In particular, the Office notes that Held does not explicitly teach a manager module executable to enable a monitoring module to monitor statuses of the database software components in the plurality of nodes as required by Applicant. In this regard, Applicant notes that Daly does disclose a “server manager component” that creates an instance of a “service object” that “communicates with the servers in the network to ascertain all instantiations of [a service] entity on the network” (*see, e.g.,* Daly, col. 8, lines 41-51; Fig. 5A). However, even if it were the same as Applicant’s manager module, the *singular* service manager component of Daly is not, by definition, “*in each* of the plurality of nodes,” as recited by Applicant’s claim 20 (emphasis added). The result is that neither Held nor Daly, taken alone or in combination, teaches or suggests all the limitations of Applicant’s claim 20. Therefore, claim 20 is patentable over these references.

The 103(a) Rejections over Bezviner in view of Held

Regarding claim 13, the Office action concedes that Bezviner does not explicitly teach, among other things, a start procedure executable in a first one of the plurality of nodes to invoke the services in the plurality of nodes through the manager module, as required by Applicant. As a result, the Office relies on Held to address this deficiency of Bezviner. However, in its rejection of claim 1, the Office stated that Held is silent regarding a start routine “causing a service to be invoked in plurality of nodes” (*see* Office action, ¶ 5). A person of ordinary skill in the art would readily appreciated that there is no substantive difference between the language the Office admits to be absent in Held regarding claim 1, and the above requirement of claim 13 the Office is subsequently attempting to rely on Held to provide.

Applicant agrees with the Office’s first position on Held, in particular that Held is silent regarding a start routine causing a service to be invoked in each of a plurality of nodes. In support of this position, Applicant notes that Held teaches, among other things, a “client program” requesting “activation of a class factory object” from a “client service control manager 707,” the client service control manager then forwarding the request to the “*proper* server service control manager 716 after determining with *which* server service control manager to communicate” (*see* Held, col. 12, lines 2-7) (emphasis added). As noted, the teachings of Held are, therefore, limited to issuing a *single* request to a *single* service control manager to activate a software object residing on a *single* server, as opposed to disclosing a start procedure executable in a first one of a plurality of nodes to invoke services in the *plurality* of nodes as required by Applicant’s claim 13. The result is that neither Bezviner nor Held, alone or in combination, teaches or suggests all of the limitations of Applicant’s claim 13. Therefore, claim 13 and its dependents are patentable over these references.

Regarding claim 21, the Office similarly relies on Held to provide teachings lacking in Bezviner. In particular, the Office notes that Bezviner does not explicitly teach to issue requests, from a start routine, to the plural nodes of a database system, and in

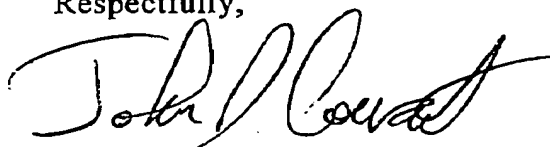
response to the requests, invoke services in the plural nodes, as required by Applicant. However, as noted above in regard to claim 13, the Office has previously stated, and Applicant has provided corroborating support, that Held is silent regarding a start routine “causing a service to be invoked in plurality of nodes.” As a result, a person of ordinary skill in the art would readily appreciate that Held also does not provide all of the elements of Applicant’s claim 21 found to be lacking in Bezviner. Thus, neither Bezviner nor Held, taken alone or in combination, teaches or suggests all the limitations of Applicant’s claim 21. Consequently claim 21 and its dependents are also patentable over these references.

Applying the same argument to claim 33, it is seen that Held similarly does not provide a claim limitation the Office admits to be missing in Bezviner, namely “a start procedure executable in a first one of the plurality of nodes to invoke services in each of the plurality of nodes.” The result is that claim 33 and its dependents are also patentable over Bezviner in view of Held.

Conclusions

In light of the foregoing amendments and arguments, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

John D. Cowart  
Reg. No. 38,415

NCR Corporation  
1700 South Patterson Blvd.  
Dayton, Ohio 45479-0001

Tel. No. (858) 485-4903  
Fax No. (858) 485-3255